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UNCLAS SECTION 01 OF 08 HANOI 000178

SENSITIVE
SIPDIS

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SUBJECT: 2009 TRAFFICKING IN PERSONS REPORT - VIETNAM - PART 1 of
3

REFS: A) 08 STATE 132759; B) STATE 005577

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¶1. (U) Per the instructions in refels, post provides the following responses to the reporting questions asked in paragraphs 23-27 of ref. A, taking into account the additional guidance and reporting requirements required by the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. Post's responses cover the reporting period of April 2008 to March 2009. Due to system limitations, the report will be sent in three parts.

¶2. (SBU) VIETNAM'S TIP SITUATION

¶A. Documentation and Sources of TIP Information

The Government of Vietnam's (GVN) interagency National Steering Committee (NSC) for the 2004-2010 National Program of Action (NPA) against Trafficking in Women and Children is headed by Deputy Prime Minister Truong Vinh Trong. The Central Coordination Office of the NSC is responsible for, among other things, collecting and reporting information on trafficking victims and cases. While the GVN does not have a formal mechanism for sharing TIP data, information is available upon request on a case-by-case basis and is often disseminated by international donor organizations supporting anti-trafficking projects. There are additional data-tracking systems at the local level in Vietnam; however, they need to be significantly strengthened to provide truly representative and credible data.

Vietnam maintains a dedicated crime statistics office under the Supreme People's Procuracy. This office tracks data on arrests, prosecutions and convictions of traffickers and other criminals. Its data and classification system sometimes differs from that of the NSC, and is fairly reliable. The Ministry of Labor, Invalids, and Social Affairs (MOLISA) also provides statistics on the numbers trafficking victims that receive some kind of government assistance.

MOLISA's data is generally reliable, but does not estimate the numbers victims outside the system.

The GVN does not officially classify trafficking cases with labor-related criteria and therefore does not collect data on labor trafficking cases. This is expected to change with the planned new comprehensive TIP law currently being drafted (see section 6.D).

The international diplomatic and NGO communities in Vietnam are active in sharing TIP data and information. The UN Interagency Program on Human Trafficking (UNIAP) also shares data with the government and the NGO community.

B. General Overview and Changes

Vietnam remains a significant source country in a region known for trafficking in persons. To a much lesser degree, Vietnam is a destination country for men, women, and children trafficked for the purposes of sexual exploitation or forced labor. While difficult to quantify, it is widely accepted that significant internal trafficking occurs from rural to urban areas.

Vietnam as a Source Country

Cambodia and the People's Republic of China remain by far the largest destination countries for trafficked Vietnamese nationals. MOLISA estimates that cases across the Vietnam-China border account for 70 percent of the total number of TIP cases, while Cambodia and Laos account for about 10 percent and 6.3 percent respectively. Laos is primarily a transit country; however, NGO contacts reported that Laos is slowly becoming a destination country for Vietnamese trafficking victims.

Many Cambodia cases involve sexual exploitation in Cambodia or transit of Vietnamese women and teenage girls through Cambodia to Thailand and Malaysia, often engineered by criminal syndicates in those countries with representatives in Vietnam. China cases are more diverse and often involve sexual exploitation, misrepresented marriage, or forced labor.

Other transit and significant destination countries for trafficked Vietnamese nationals include Malaysia, Thailand, Hong Kong, Macau, Taiwan, the Republic of Korea (ROK), and the Czech Republic. Newer destination countries include Indonesia and countries in Western Europe and the Middle East. Those trafficked to China, Cambodia,

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Laos, Macau, Hong Kong, Thailand, Malaysia and the Czech Republic primarily enter prostitution, while newer routes to the Middle East are primarily used to traffic Vietnamese laborers. China, Taiwan, and the ROK continued to be the top destination countries for Vietnamese brides who end up in misrepresented or fraudulent marriages. Diplomatic contacts report, and the GVN acknowledges, an upsurge in Vietnamese women trafficked into Europe; there is some anecdotal evidence of Vietnamese children trafficked to the UK to assist in the drug trade, though these reports remain unconfirmed.

Young children are sometimes kidnapped and sold to traffickers, often for transport to China for forced labor. During the reporting period, there were continuing reports of trafficking of teenage boys to work in agriculture and factory settings in China. Vietnamese press also reported that after trafficking pregnant women across the Chinese border, traffickers planned to sell the children and the mothers.

Vietnam as a Destination Country

Vietnam is also a destination country for Cambodian children who are trafficked to urban centers in Vietnam for forced labor or sexual exploitation, although no data on the scale of the problem is available. There are reports from credible sources that a small number of these children may also be trafficked from Vietnam to third countries.

Internal Trafficking within Vietnam

There is also significant internal trafficking of women and children in Vietnam from rural areas to urban centers for purposes of sexual exploitation and forced labor. Children trafficked to Ho Chi Minh City (HCMC) and Hanoi from rural areas, as well as from Cambodia, often become part of organized rings for begging, selling flowers or lottery tickets, and are often exposed to serious criminal elements and risk of harm.

NGO sources reported internal trafficking of children, including

lottery ticket selling rings that traffic and exploit Vietnamese children for labor. Due to changes in the law in 2006, Vietnamese provinces can no longer rely as heavily on State-owned lotteries to augment their provincial budgets. This has reportedly led to increased pressure on poor families to have their children enter the workforce. The GVN does not consider selling lottery tickets in public to constitute "hard labor," although it exposes children to numerous criminal elements and increases their vulnerability to trafficking. In early 2008, Deputy Prime Minister Nguyen Sinh Hung ordered MOLISA to draft a new child and juvenile protection strategy for GVN approval; however, little progress has been made due to a lack of funding.

Significant Changes in 2008

The GVN continued to increase protection for trafficking victims and witnesses; improve public assistance for victims in a way that protects their dignity; increase public awareness campaigns; and improve law enforcement cooperation, training, and prosecution by the courts.

In 2008, several additional TIP-related regulations were published, including guidelines for further implementing the 2007 export labor law, as well as an inter-ministerial document that defines cross-border TIP victims, delineates responsibility for identifying victims, and establishes procedures for referring victims to care upon return to Vietnam (see section 5.F).

Prosecutions continued to receive increased attention and publicity. Enhanced bilateral cooperation with China and Cambodia resulted in increased interdictions; these efforts were focused both at the central level and at provincial level in areas along the border. The GVN also began active implementation of its new TIP MOU with Thailand, discussed upgrading the TIP MOU with China to a bilateral agreement, and developed a plan with Laos to draft a bilateral agreement. The GVN increased regional cooperation within ASEAN and United Nations frameworks, including the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) process.

During the reporting period, Vietnamese police reported cases where
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pregnant woman agreed to sell their children to organized trafficking networks. The network took the women to China, promising to pay them once the children were born. Instead, the network sold the child for adoption and the women for forced labor or sexual exploitation.

Specific highlights include:

-- In July 2008, the IOM, with support from the State Department's Bureau of Population, Refugees and Migration, launched a second victim assistance and assessment center in An Giang province in the Mekong Delta.

-- In August 2008, the GVN introduced a new training manual entitled, "Inter-Agency Training Manual on the Prevention and Suppression of Human Trafficking." Developed in collaboration with international NGOs and victim advocacy organizations, the training manual provides an overview of human trafficking and explains international and domestic legal documents and GVN laws and policies regarding the trafficking issue, as well as describing assistance available to victims. The GVN distributed 5,000 copies to local level officials and agencies. The manual was applauded by NGOs and victim advocates as an important effort to provide relevant agencies training and insight on human trafficking issues.

-- In October 2008, the GVN submitted a proposal to the National Assembly to amend articles 119 and 120 of the penal code to strengthen the regulations on trafficking in women and children, including adding language to include trafficking in men over the age of 16 and adding property confiscation and increased fines to the list of possible penalties. The NSC expects National Assembly approval for these amendments in 2009.

-- In December 2008 the Asian Regional Trafficking in Persons (ARTIP) project opened an office in Hanoi and began a project to provide training to the Ministry of Public Security (MPS), the Ministry of Justice (MOJ), and legal institutions. This project is designed as a follow on to the successful UNODC TIP project that ended in 2007.

1C. Conditions Faced by Victims

Vietnamese trafficking victims faced a variety of conditions including physical and mental abuse, sexual abuse and assault, debt bondage, indentured servitude, harsh working conditions, and imprisonment. Victims reported being forced into sex acts, threatened, held without adequate food and water, and beaten by their traffickers.

Post received credible reports of criminal rings that buy children in Hue and forces them to work on the streets of Ho Chi Minh City at night. NGOs reported that children and adolescents are trafficked to work in factories seven days a week, and up to 16 hours per day, for no payment and with no access to health services or social support.

MOLISA reported that some workers recruited and sent abroad by state-owned labor companies suffered conditions akin to involuntary servitude or forced labor within the Malaysian and Thai construction industries.

1D. Groups Vulnerable to TIP

Vietnamese trafficking victims come from almost all provinces and cities in Vietnam, but most were concentrated in certain northern and southern border provinces, especially the Mekong Delta and central province of Thanh Hoa. In general, most northern and central trafficking victims are trafficked to China, while victims in the south are primarily trafficked to Cambodia for prostitution or for transit to other Southeast Asian countries. One NGO reported an increase in southern victims trafficked to Laos. Thanh Hoa province, south of Hanoi has traditionally been a major source of migrant populations in northern Vietnam. The Mekong Delta provinces of An Giang, Dong Thap, Can Tho, Hau Giang, Long An and Tay Ninh have the highest number of victims trafficked to Cambodia.

The highest percentage of trafficking victims in Vietnam consists of undereducated rural women between 18 and 40 years of age in cases involving sexual exploitation. Increasingly, these same types of women are becoming victims of labor trafficking as well. Multiple sources reported that more than 90 percent of trafficking victims

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have less than a high school education and report their occupations as either unemployed or farmer.

There is no data available on male sex-related trafficking in Vietnam, but the level is believed to be low. However, MOLISA and the media continued to report numerous cases of male labor trafficking to Malaysia, Taiwan, China, Thailand and countries in the Middle East, often involving the construction and fishing industries.

Vietnamese laborers are increasingly vulnerable to trafficking as the GVN struggles to strike a balance between increasing export labor and protecting its workers overseas from labor trafficking. At the end of 2008, an estimated 500,000 Vietnamese workers were in 40 countries and brought in between USD \$1.6 billion and \$2 billion in annual remittances, according to MOLISA's Department of Overseas Labor (DOLAB). 80 percent worked in agriculture, fishing, or construction. In 2008, Vietnam sent approximately 85,000 workers overseas, with a goal of 100,000 per year by 2010. Vietnamese workers are predominately traveling to Southeast Asia and the Middle East: Malaysia (100,000); Taiwan (70,000+); South Korea (50,000); Japan (30,000); United Arab Emirates (10,000); Qatar (8,000); rest of the Middle East (5,000); smaller groups were going to Eastern Europe, Macau, Hong Kong and Cyprus. MOLISA attempts to establish MOUs with all labor destination governments, but enforcement of these agreements is weak. Although the global economic downturn has

reduced the demand for labor in traditional markets, the GVN is seeking alternate destinations and still aims to increase labor exports. Vietnamese government officials are only just beginning to recognize the risks of trafficking and exploitation inherent in exporting large numbers of workers overseas without adequate protections and enforcement mechanisms.

Street children are at high risk to fall victim to internal trafficking. Past official estimates place the number of street children at 21,000, but the actual figure is likely higher. One NGO estimates that in Hanoi, 25 percent of street children have run away from home; the other 75 percent have travelled to Hanoi with their parents' permission, attracted by increased economic opportunities in urban areas.

1E. Traffickers and Their Methods

There has been no systematic analysis of who the traffickers are, but in interviews with trafficking victims, their relatives and friends, as well as in numerous press reports, traffickers have usually been described as residents or former residents of the victims' provinces or communities. In some cases, the traffickers were former trafficking victims themselves. Some are cross-border married couples (Malaysian husband, Vietnamese wife, etc.); others are described as traders or businesspeople. With economic growth, criminal organizations sought to take advantage of increased exposure to international markets, expanded use of the Internet, and a growing gap between rich and poor to exploit persons at risk and develop trafficking networks.

NGOs also documented many TIP cases involving complicated referral chains that begin with a sibling, neighbor or friend making a referral to somebody else who passes the individual on to a third person or group, and so on. In such cases, individuals further down the chain likely do not know the final destination of the victim and the responsible trafficker is difficult to identify.

Employment opportunities, marriage opportunities and tourism continued to be primary solicitation methods most often used by traffickers. The usual tactic of traffickers is to offer a so-called "easy" job as a trader, waitress or domestic helper in either China or Cambodia. Victims are generally moved across the Chinese and Cambodian borders without documents. Vietnam's long land borders with China, Laos and Cambodia are extremely porous and difficult to control, and traffickers are known to frequently use forest, mountain and river routes. Vietnamese commercial sex workers in Cambodia also reported they could pay a truck driver USD \$25 to smuggle them through the border from Cambodia to Vietnam. In more than 80 percent of cases where the victim was interviewed, victims crossed the border away from legal border checkpoints. In cases involving victims trafficked to more distant destinations such as Hong Kong, Taiwan or Malaysia, MPS officials stated that traffickers disguise victims as tourists or workers in a labor export program.

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Individual opportunists, informal networks, and some organized groups lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes. Family relatives were often involved in trafficking cases. In some cases traffickers paid families several hundred dollars in exchange for allowing their daughters to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income; others were offered lucrative jobs by acquaintances. Increasingly, those seeking work are offered "good" jobs by either a state-licensed export labor recruitment company or an unofficial recruiter, but end up in various destinations, such as Malaysia, Thailand, or the Middle East, working in substandard conditions for little to no pay. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, family members, and employers.

Traffickers continued to attempt to lure unmarried rural women into fraudulent or misrepresented marriages to foreign nationals, primarily from China, Taiwan and Korea. There was reported

trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies.

Since 1995, the VWU estimates that as many as 100,000 Vietnamese women have gone to Taiwan as brides, while the South Korean government reported that there are currently 33,000 Vietnamese brides living in South Korea, up from 10,000 reported at the end of 2006. Vietnamese and Taiwanese estimates of the number of Vietnamese women who have encountered difficulties in Taiwan range from ten to fifteen percent of the total, though only a small portion of these cases meet the definition of trafficking. In terms of actual trafficking victims to Taiwan and South Korea, authorities and international NGOs estimate that a few hundred per year are trafficked, but hard statistics are difficult to obtain. The VWU and several NGOs note that these cases mostly involve women from Ho Chi Minh City and the Mekong Delta who marry men from Taiwan and South Korea and are subsequently forced into prostitution or domestic servitude. During the reporting period, there continued to be fewer Taiwan marriages, while the rate of Korean marriages increased, a trend that continued from last year.

13. (SBU) GOVERNMENT OF VIETNAM'S (GVN) ANTI-TIP EFFORTS

1A. Acknowledgement of TIP

The GVN fully acknowledges that trafficking is a problem in Vietnam and is actively engaged in the fight against TIP. The GVN understands the issue and its dimensions, is committed to tackling the problem, and has cooperated very well with the international donor community, including the USG. Foreign governments, international organizations, NGOs and local mass organizations are active in Vietnam in combating TIP, and the GVN welcomes their support and works cooperatively with them. The GVN continued its strong commitment to the second phase of the COMMIT process and is participating in and implementing the 2008-2010 plan of action.

1B. Lead Agencies and Interagency Cooperation

The GVN's National Steering Committee (NSC) on anti-trafficking, also known as Committee 130, remained the government's key interagency coordinating body. The 2004 National Program of Action (NPA) established the NSC and specific funding mechanisms for the 2004-2010 period. The NPA assigns specific roles to government agencies under the overall direction of the MPS, thus eliminating some of the confusion regarding overlapping jurisdictions. In addition to overall responsibility for coordinating GVN interagency efforts, MPS also has a separate investigative unit dedicated to anti-trafficking enforcement. Other GVN agencies involved in anti-TIP are the Ministry of Foreign Affairs (MFA); the Ministry of Labor, Invalids and Social Affairs (MOLISA); the Border Guard Command (under the Ministry of Defense); the Vietnam Women's Union (VWU) and Vietnam Youth Union mass organizations; the Ministry of Justice (MOJ); the Supreme People's Court; and the Supreme People's Procuracy. The Ministries of Finance and Planning and Investment play a role in the budget process. The Ministry of Culture, Sport and Tourism also participates in the NSC as it plays a role in combating child sex tourism and tourist demand for commercial sex. Vietnam's legislature, the National Assembly, plays a key role in legislation and, to a degree, international cooperation. Each agency is assigned specific responsibilities under the NPA.

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1C. Limitations and Challenges Faced by the GVN

The main anti-TIP challenges for the GVN have been a lack of resources, cumbersome mechanisms for inter-agency cooperation (although this continues to improve), poorly coordinated enforcement of existing legal instruments across the country, and a legal infrastructure that is still ill suited to supporting the identification and prosecution of TIP cases. There also continues to be tension between the GVN's efforts to fight TIP and its attempts to ease unemployment and boost remittance revenues through increased labor exports.

As a developing country with a yearly per capita income of approximately USD \$1,023, Vietnam's primary obstacle in combating TIP is a lack of resources. Funding for all public institutions is inadequate, and TIP is no exception. A lack of resources seriously hampers the GVN's efforts, both on the law enforcement and victim protection sides. In large part because of this, the training and professionalism of all officials in the process needs improvement. Further, there is a significant shortage of qualified social workers and counselors equipped to provide professional quality services to victims. Government-provided financial resources to assist victims in rebuilding their lives are meager, but are generally proportional to level of development and overall lack of social services in rural Vietnam.

Another major obstacle to the GVN's anti-TIP efforts is the extremely rugged, porous and difficult-to-police borders with Cambodia, Laos and China. Smuggling of all kinds is a problem in Vietnam, and physical interdiction of trafficking cases is particularly difficult. This is especially true in the Mekong Delta and along the mountainous northern border with China where many border crossings take place via waterways and footpaths away from official border gates.

Other challenges include a lack of standardized and comprehensive legislation and the limited ability of the national government to enforce implementation at the provincial, district and commune levels. Although Vietnam has several laws against trafficking and established a national framework, legal sanctions against trafficking are still scattered throughout the GVN penal code and can be subject to diverse interpretation, definitions and sentencing guidelines. A new, comprehensive anti-trafficking law is being drafted in part to reconcile the various laws and to be in full compliance with UN conventions. A comprehensive, streamlined new law would undoubtedly assist the GVN's anti-TIP activities.

With Vietnam's rapid economic transition, the use of the Internet by international and domestic criminal networks, including human traffickers, has also added a significant new dimension to the problem in Vietnam and additional challenges for the GVN's resource-strapped law enforcement establishment.

1D. GVN Monitoring and Assessments

The GVN's Central Office under the NSC is responsible for, among other things, helping the Committee prepare anti-TIP work plans, campaigns and projects, and investigating and evaluating their outcomes. While it is also responsible for disseminating the results of the GVN's anti-trafficking efforts, the GVN does not have a formal mechanism for sharing TIP monitoring and evaluation information.

14. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. Existing Laws Against TIP

Most traffickers in Vietnam are prosecuted under Penal Code Articles 119 and 120. Article 119 concerns trafficking in women and provides for penalties ranging from five to twenty years in prison. Article 120 concerns trafficking in children and penalties range from three years to life in prison. Trafficking in women and children for all purposes is covered under these articles. International trafficking for the specific purpose of labor exploitation is covered in Vietnam under Penal Code 275 (entitled "organizing and/or coercing other persons to flee abroad or to stay abroad illegally"). GVN authorities, including the MOJ, recognize that although most forms of trafficking can be prosecuted one way or another under the Vietnamese Penal Code, existing legislation in Vietnam does not specifically focus on trafficking in persons in a comprehensive

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manner.

Other articles under the 1999 Penal Code that directly or indirectly relate to the prevention and combat of TIP include: Article 111 on rape; Article 112 on raping children; Article 113 on forcible sexual

intercourse; Article 115 on having sexual intercourse with children; Article 116 on obscenity against children; Article 245 on harboring prostitution; Article 255 on mediating prostitution and Article 256 on procuring sex from adolescents.

In 2006, the Prime Minister's Decree 69 amended the law on marriages "having a foreign factor," which now requires the Vietnamese spouse to interview with local authorities within 50 days of marriage to ensure that the marriage is voluntary, that there are sufficient language skills for basic communication and that each participant understands each other's family situation. The Decree also restricts large gaps in age between marrying parties.

Vietnamese law does not specifically address the issue of trafficking in men for sexual purposes; however, there are no indications that this is a significant problem in Vietnam. If it occurred, it would be possible to prosecute the traffickers under laws criminalizing the procurement of prostitutes, according to MOJ. GVN officials have recognized this as a shortcoming and reported that men would be included in the definition in the new anti-TIP law.

In public TIP-related documents, the GVN also highlights that it is a signatory to the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), Article 6 of which references trafficking in women. Vietnam is also a signatory to the Convention on the Rights of the Children (CRC). Vietnam signed the UN Convention against Transnational Organized Crime (UNTOC) in December 2000 but has not yet ratified it. Vietnam has yet to sign the Protocol to Prevent, Suppress and Punish Trafficking in Persons. UNODC reported that the GVN intends to ratify UNTOC together with its Protocol on Human Trafficking in 2009.

The Vietnamese Labor Code contains a section on "Vietnamese working abroad." The Code includes the requirement that enterprises have a permit to send workers abroad, thus ensuring some measure of government control over the system. The Code details the rights and obligations of both workers and enterprises, and includes provisions requiring all enterprises "to manage and protect the interests of laborers during the period of working abroad under their contracts in accordance with the law of Vietnam and the law of the foreign country;" "to pay compensation for damage to the laborer caused by the breach of the contract by the enterprise;" and, "to complain to the authorized State body against breaches of the laws in the field of labor export."

An updated Decree (July 2003) provides the legal mechanism to implement these provisions. This regulation requires that companies "monitor, manage and protect the legal rights of labor during their time of working abroad." Enterprises are required to regularly inspect overseas workplaces both before and after signing labor contracts. Information from these inspections must be included in the registration of a labor export contract submitted to MOLISA. According to one labor export company, MOLISA carried out both scheduled and surprise inspections of labor export companies.

The July 2003 implementation Decree highlights the conditions for granting and revoking licenses for labor export. In 2008, Vietnam reported 158 licensed labor export companies - some are State enterprises "owned" by a wide range of ministries and provinces, while others are private companies. Since the implementation of the 2003 Decree, MOLISA has been reviewing current licenses and new applications. MOLISA does not hesitate to deny applications for new companies that do not meet necessary conditions under the Decree. MOLISA also used its power to revoke and suspend the licenses of "irresponsible" labor export companies. Press reports indicate that during the reporting period, MOLISA revoked the licenses of five companies. For more serious abuses of worker's rights, MOLISA can coordinate with MPS to prosecute violators under criminal statutes, but post is not aware of any such cases going to court. Notably, MOLISA and MPS jointly issued an interagency circular (an internal GVN regulation) in January 2005 to guide prevention of and combat against violations in labor export. The Circular listed crimes that may face administrative sanction or criminal prosecution and clearly defined the responsibilities of MPS, MOLISA and police and labor agencies at the local level.

The Prime Minister's Decree 141, issued in November 2005, explicitly outlined the responsibilities of both laborers and labor export companies. In addition to identifying the labor export companies' responsibilities for Vietnamese laborers abroad (which include guaranteeing that overseas employers make good on contracts and solving problems in which "laborers have accidents, risk accidents or occupational diseases or their dignity or honor is infringed upon"), the Decree makes explicit the laborers' legal obligation to respect the terms of labor contracts. The Decree anticipates that labor export companies in Vietnam, with the cooperation and assistance of the GVN, will be able to resolve disputes between laborers and overseas employers. It does not, however, give laborers the right to break a labor contract for any reason.

In July 2007, Vietnam's law "On Vietnamese Labor Working Abroad by Contract" took effect and superseded Decree 141. The law seeks to regulate enterprises and protect workers participating in Vietnam's growing labor export industry. The related legal instruments fall under this umbrella law and regulate everything from labor recruitment and pre-departure fees to contract transparency and licensing of labor brokerages.

In 2008, two additional documents were enacted to further implement the 2007 export labor law: 1) Circular No. 11 on the management of the labor export assistance fund; and, 2) Decision No. 61/2008 on the brokerage fees for labor export which provides stricter regulations in terms of the fee ceiling in comparison with earlier regulations.

While the GVN expects the law to greatly enhance Vietnamese overseas worker protections and contract transparency, the settlement of contract disputes between workers and the employing company overseas or the Vietnamese-based export labor recruiting company is left almost entirely to the export labor recruiting company. Without stronger enforcement mechanisms, workers are generally left without legal recourse, making them more vulnerable to exploitation and trafficking.

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